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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,395	10/23/2002	Sassan Hojabr	DC-0300	2889

7590 12/23/2003  
E I Du Pont De Nemours and Company  
Legal-Patent  
Wilmington, DE 19898

EXAMINER

BERMAN, SUSAN W

ART UNIT PAPER NUMBER

1711

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,395

Applicant(s)

HOJABR ET AL.

Examiner

Susan W Berman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/4/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### *Specification*

The abstract of the disclosure is objected to because the Abstract is not presented on a separate page, as required for publication. Correction is required. See MPEP § 608.01(b).

The amendment filed as an Amended Sheet under PCT Article 34 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: 1 to 30 parts by weight of an elastomer in claims 1, 9 and 13, and the recitation "free of tackifier" in claim 13. The original claims and disclosure set forth 0 to 30 parts by weight elastomer or 10-30 parts by weight of an elastomer. See page 8, lines 21-26, and original claims 1, 9, 13, 10 and 17. The examiner has not found any mention of compositions free of tackifier. Furthermore, applicant discloses components for the composition that are known in the art to function as tackifiers.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9, 13-16 and 20-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 412 503. EP '503 discloses adhesive compositions comprising components as described in the Abstract and on pages 4-6 and used in the mixing ratios described on pages 6-7. See example 3. laminates are taught on pages 7-8. Compositions and laminates disclosed by EP '503 wherein the parts by weight employed fall within the instantly claimed overlapping ranges of parts by weight anticipate the instantly claimed compositions.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 879 862. EP '862 discloses adhesive compositions comprising components as described in the Abstract and on pages 3-5 and used in the mixing ratios described on pages 5-6. See Examples 4 and 5. Laminates are taught on pages 6-7. Compositions and laminates disclosed by EP '862 wherein the parts by weight employed fall within the instantly claimed overlapping ranges of parts by weight anticipate the instantly claimed compositions.

Claims 1-8, 13, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 712 915. See the Abstract, page 2, line 42, to page 3, line 40, comparative example 1 and Example A. Compositions disclosed by EP '915 wherein the parts by weight employed fall within the instantly claimed overlapping ranges of parts by weight anticipate the instantly claimed compositions.

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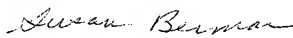
Claims 1-3, 5, 7-9, 13-16 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 188 901. See the Abstract, page 4, lines 2-19, page 8, line 11, to page 10, line 21, and page 11, lines 4-20 and Example 11. Compositions disclosed by EP '901 wherein the parts by weight employed fall within the instantly claimed overlapping ranges of parts by weight anticipate the instantly claimed compositions.

Claims 1-8, 13, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2 107 325. See the Abstract, page 1, line 21, to page 2, line 6, and Examples 8-9, which contain a polystyrene copolymer within the parts by weight recited in the instant claims. Compositions disclosed by GB '325 wherein the parts by weight employed fall within the instantly claimed overlapping ranges of parts by weight anticipate the instantly claimed compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

  
Susan W Berman  
Primary Examiner  
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